SIMS et al v. MENU FOODS INCOME FUND et al Doc. 2

CLOSED

U. S. District Court
Western District of Arkansas (Fayetteville)
CIVIL DOCKET FOR CASE #: 5:07-cv-05053-JLH
Internal Use Only

Sims et al v. Menu Foods Income Fund et al
Assigned to: Honorable Jimm Larry Hendren
Related Case: 4:07-cv-04036-HFB
Cause: 28:1332 Diversity-Product Liability

Date Filed: 03/21/2007
Jury Demand: Both
Nature of Suit: 385 Prop. Damage Prod. Liability
Jurisdiction: Diversity

Plaintiff

Charles Ray Sims
Individually and on behalf of all others similarly situated

represented by **Jason M. Hatfield**
Lundy & Davis, LLP
300 North College Ave.
Suite 309
Fayetteville, AR 72701
(479) 527-3921
Fax: (479) 587-9196
Email: jhatfield@lundydavis.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Pamela Sims
individually and on behalf of all others similarly situated

represented by **Jason M. Hatfield**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Menu Foods Income Fund

represented by **Christy Comstock**
21 West Mountain Street
Suite 300
Fayetteville, AR 72701
(479) 582-3382
Email: ccomstock@joneslawfirm.com
ATTORNEY TO BE NOTICED

Defendant

Menu Foods Midwest Corporation

represented by **Christy Comstock**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

I hereby attest and certify this is a printed copy of a document which was electronically filed with the United States District Court for the Western District of Arkansas.

Date Filed: 6-28-07

Christopher R. Johnson, Clerk
By: [signature], Deputy Clerk

Dockets.Justia.com

Menu Foods South Dakota Inc.	represented by	**Christy Comstock** (See above for address) *ATTORNEY TO BE NOTICED*
Defendant		
Menu Foods, Inc.	represented by	**Christy Comstock** (See above for address) *ATTORNEY TO BE NOTICED*
Defendant		
Menu Foods Holdings, Inc.	represented by	**Christy Comstock** (See above for address) *LEAD ATTORNEY* *ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
03/21/2007	1	COMPLAINT against Menu Foods Holdings, Inc., Menu Foods Income Fund, Menu Foods Midwest Corporation, Menu Foods South Dakota Inc., Menu Foods, Inc. (Filing fee $ 350 receipt number 5000049.), filed by Charles Ray Sims, Pamela Sims.(ct) (Entered: 03/21/2007)
03/21/2007		Magistrate Notice/Consent Furnished (ct) (Entered: 03/21/2007)
03/21/2007		6 Summons Issued as to Menu Foods Holdings, Inc., Menu Foods Income Fund, Menu Foods Midwest Corporation, Menu Foods South Dakota Inc., Menu Foods, Inc. and returned to attorney/plaintiff for service (ct) (Entered: 03/21/2007)
03/23/2007	2	Remark copy of complaint and docket sheet sent to MDL (ct) (Entered: 03/23/2007)
03/26/2007		***Staff notes *** Copy of complaint and docket sheet sent to MDL per MSJ (ct) (Entered: 03/26/2007)
04/04/2007	3	SUMMONS Returned Executed by all plaintiffs. Menu Foods Holdings, Inc. served on 3/23/2007, answer due 4/12/2007. (Hatfield, Jason) (Entered: 04/04/2007)
04/04/2007	4	SUMMONS Returned Executed by all plaintiffs. Menu Foods Midwest Corporation served on 3/23/2007, answer due 4/12/2007. (Hatfield, Jason) (Entered: 04/04/2007)
04/04/2007	5	SUMMONS Returned Executed by all plaintiffs. Menu Foods South Dakota Inc. served on 3/23/2007, answer due 4/12/2007. (Hatfield, Jason) (Entered: 04/04/2007)
04/04/2007	6	SUMMONS Returned Executed by all plaintiffs. Menu Foods, Inc. served on 3/23/2007, answer due 4/12/2007. (Hatfield, Jason) (Entered: 04/04/2007)
04/12/2007	7	MOTION to Stay by Menu Foods Holdings, Inc.. (Comstock, Christy)

		(Entered: 04/12/2007)
04/12/2007	8	MEMORANDUM BRIEF in Support *of Motion to Stay* by Menu Foods Holdings, Inc.. (Comstock, Christy) (Entered: 04/12/2007)
04/13/2007	9	SUPPLEMENT by Defendants Menu Foods Holdings, Inc., Menu Foods Midwest Corporation, Menu Foods South Dakota Inc., Menu Foods, Inc. to 7 MOTION to Stay *Exhibits A, B and C.* (Attachments: # 1 Exhibit A-1, pgs 1-50# 2Exhibit A-2, pgs 51-100# 3Exhibit A-3, pgs 101-117# 4 Exhibit B-1, pgs 1-50# 5 Exhibit B-2, pgs 51-100# 6 Exhibit B-3, pgs 101-155# 7Exhibit C-1, pgs 1-50# 8 Exhibit C-2, pgs 51-100# 9 Exhibit C-3, pgs 101-150# 10 Exhibit C-4, pgs 151-200# 11Exhibit C-5, pgs 201-215)(Comstock, Christy) (Entered: 04/13/2007)
04/16/2007		CLERK'S NOTICE re Multiple Attorneys Listed on Pleading directed to Defendants Menu Foods Holdings, Inc., Menu Foods Midwest Corporation, Menu Foods South Dakota Inc., Menu Foods, Inc. Motion to Stay7 lists multiple attorneys appearing for the filer (ROBERT JONES, III, EDWARD RUFF, MICHAEL TURIELLO). All listed attorneys, other than the attorney signing the pleading, must enter a separate Notice of Appearance in order to receive electronic notification of future activity in the case. TEXT ONLY ENTRY, NO DOCUMENT ATTACHED (jn) (Entered: 04/16/2007)
04/18/2007	10	RESPONSE in Opposition re 7 MOTION to Stay filed by Charles Ray Sims, Pamela Sims. (Hatfield, Jason) (Entered: 04/18/2007)
04/24/2007	11	REPLY to Response to Motion re 7 MOTION to Stay filed by Menu Foods Holdings, Inc., Menu Foods Income Fund, Menu Foods Midwest Corporation, Menu Foods South Dakota Inc., Menu Foods, Inc.. (Attachments: # 1 Exhibit A - Plaintiff Sims MDL Motion# 2 Exhibit B - Cooper - AR# 3 Exhibit C - Hearing Order 5-31-07)(Comstock, Christy) (Entered: 04/24/2007)
04/24/2007	12	NOTICE of Appearance by Christy Comstock on behalf of Menu Foods Income Fund (Comstock, Christy) (Entered: 04/24/2007)
05/02/2007	13	ORDER denying 7 Motion to Stay litigation. Signed by Judge Jimm Larry Hendren on May 2, 2007. (tg) (Entered: 05/02/2007)
05/03/2007	14	MOTION for Default Judgment as to Menu Foods Midwest Corporation, Menu Foods South Dakota Inc., Menu Foods Inc., Menu Foods Holdings, Inc. by Charles Ray Sims, Pamela Sims. (Hatfield, Jason) (Entered: 05/03/2007)
05/03/2007	15	MEMORANDUM BRIEF in Support of 14 MOTION for Default Judgment as to Menu Foods Midwest Corporation, Menu Foods South Dakota Inc., Menu Foods Inc., Menu Foods Holdings, Inc. by Charles Ray Sims, Pamela Sims. (Hatfield, Jason) (Entered: 05/03/2007)
05/03/2007	16	First MOTION for Extension of Time to File Answer re 14 MOTION for Default Judgment as to Menu Foods Midwest Corporation, Menu Foods South Dakota Inc., Menu Foods Inc., Menu Foods Holdings, Inc., 15

		Memorandum Brief in Support by Menu Foods Holdings, Inc., Menu Foods Income Fund, Menu Foods Midwest Corporation, Menu Foods South Dakota Inc., Menu Foods, Inc.. (Comstock, Christy) (Entered: 05/03/2007)
05/04/2007		CLERK'S NOTICE re Multiple Attorneys Listed on Pleading directed to Defendants Menu Foods Holdings, Inc., Menu Foods Income Fund, Menu Foods Midwest Corporation, Menu Foods South Dakota Inc., Menu Foods, Inc. Motion for Extension of Time to File Answer, 16 lists multiple attorneys (Robert Jones, Edward Ruff and Michael Turiello) appearing for the filer. All listed attorneys, other than the attorney signing the pleading, must enter a separate Notice of Appearance in order to receive electronic notification of future activity in the case. TEXT ONLY ENTRY, NO DOCUMENT ATTACHED (tg) (Entered: 05/04/2007)
05/04/2007	17	REPLY to Response to Motion re 16 First MOTION for Extension of Time to File Answer re 14 MOTION for Default Judgment as to Menu Foods Midwest Corporation, Menu Foods South Dakota Inc., Menu Foods Inc., Menu Foods Holdings, Inc., 15 Memorandum Brief in Support filed by Charles Ray Sims, Pamela Sims. (Attachments: # 1 Exhibit 04-12-07 Letter from Jason Hatfield to Michael Turiello# 2 Exhibit 05-03-07 Letter from Jason Hatfield to Christy Comstock) (Hatfield, Jason) (Entered: 05/04/2007)
05/07/2007	18	ORDER denying 14 Motion for Default Judgment, granting 16 Motion for Extension of Time to Answer Menu Foods Holdings, Inc. answer due 5/14/2007; Menu Foods Midwest Corporation answer due 5/14/2007; Menu Foods South Dakota Inc. answer due 5/14/2007; Menu Foods, Inc. answer due 5/14/2007. Signed by Judge Jimm Larry Hendren on May 7, 2007. (tg) (Entered: 05/07/2007)
05/14/2007	19	ANSWER to Complaint with Jury Demand by Menu Foods Holdings, Inc., Menu Foods Income Fund, Menu Foods Midwest Corporation, Menu Foods South Dakota Inc., Menu Foods, Inc..(Comstock, Christy) (Entered: 05/14/2007)
05/16/2007	20	INITIAL SCHEDULING ORDER: Rule 26 Meeting Report due by 7/17/2007. Final Scheduling Order issue date 7/27/2007. Jury Trial set for 4/7/2008 08:30 AM in Fayetteville -- 5th flr (Rm 509) before Honorable Jimm Larry Hendren. Signed by Judge Jimm Larry Hendren on May 16, 2007. (gg) (Entered: 05/16/2007)
05/16/2007	21	MOTION to Appear Pro Hac Vice by Menu Foods Holdings, Inc., Menu Foods Income Fund, Menu Foods Midwest Corporation, Menu Foods South Dakota Inc., Menu Foods, Inc.. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C)(Comstock, Christy) (Entered: 05/16/2007)
05/17/2007		TEXT ONLY ORDER granting 21 Motion to Appear Pro Hac Vice. Edward B. Ruff, Priya K. Jesani, and Michael P. Turiello are directed to immediately register as CM/ECF users if they have not already done so and enter their appearances in this matter. Signed by Judge Jimm Larry Hendren on May 17, 2007. (keg) (Entered: 05/17/2007)

06/04/2007	22	CERTIFICATE OF SERVICE by all plaintiffs *of Summons and Complaint on Menu Foods Income Fund* (Hatfield, Jason) (Entered: 06/04/2007)
06/08/2007	23	CORPORATE DISCLOSURE STATEMENT by Defendants Menu Foods Holdings, Inc., Menu Foods Midwest Corporation, Menu Foods South Dakota Inc., Menu Foods, Inc.. (Comstock, Christy) (Entered: 06/08/2007)
06/27/2007	24	NOTICE by all defendants *Of Multi District Litigation* (Attachments: # 1 Exhibit A -- Notice of Multi District Litigation)(Comstock, Christy) (Entered: 06/27/2007)
06/28/2007	25	MDL CONDITIONAL TRANSFER ORDER. Case transferred to District of New Jersey and assigning to Honorable Noel L. Hillman, Case No. 07-cv2867. Documents transmitted as requested. (Attachments: # 1 Exhibit 1 Letter from District of New Jersey) (tg) (Entered: 06/28/2007)
06/28/2007		***Remark*** Certified copy of docket sheet, MDL Transfer Order and letter sent to District of New Jersey as requested by Clerk, District of New Jersey. (tg) (Entered: 06/28/2007)